

Lesson 10 – Income – Capital Gain or Loss; Form 1040, Line 13 Time Required: 1 hour

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This lesson is designed to teach volunteer tax preparers how to use Form 1040, Form 8949, and Schedule D, to report capital gains and/or losses on the sale of assets.

This lesson includes topics on the sale of stock, mutual funds, and the sale of a personal residence.

Objectives

Compute the adjusted basis of a stock or other investment property.

Determine if an asset's holding period is long-term or short-term.

Calculate the taxable gain or deductible loss from the sale of stock.

Determine if a home is the taxpayer's main home.

Determine if a taxpayer meets the ownership and use tests.

Determine when the 5-year ownership/use test period is suspended.

Topics





Reporting capital gain or loss

- Basis of Stock
- · Holding period
- · Proceeds from the sale
- Form 8949 and Schedule D
- Capital loss carryovers

Sale of main home

- Main home
- · Ownership and use tests
- · Gain on sale of main home
- · Reporting gain from sale of home
- 5-year test period suspension

Key Terms

Adjusted Basis: The taxpayer's basis in a home increased or decreased by certain amounts. Increases include additions or improvements to the home such as installing a recreation room or putting on a new roof. In order to be considered an increase, the improvement must have a useful life of more than one year. Repairs that maintain the home in good condition are not considered improvements and should not be added to the basis of the property.

Amount Realized: The selling price minus selling expenses: commissions, advertising fees, legal fees, and loan charges paid by the seller, such as points).

Basis: The basis in a property is determined by how the taxpayer obtained the property. If a taxpayer bought or built a home, the basis is what it cost the taxpayer to buy or build that home. If the taxpayer inherited the property, the basis is its fair market value on the date of the decedent's death, or on the later alternate valuation date chosen by the representative for the estate. There are special rules for determining the basis of property received from decedents who died in 2010.

Cancellation of Debt For Principal Residence: Under the Mortgage Forgiveness Debt Relief Act of 2007, taxpayers may exclude certain debt forgiven or canceled on their principal residence. This exclusion is applicable to the discharge of qualified principal residence indebtedness. If the canceled debt qualifies for exclusion from gross income, the debtor may be required to reduce tax attributes (certain credits, losses, and basis of assets) by the amount excluded.

Capital Gain Distributions: Capital gains passed to investors typically by mutual funds (regulated investment companies) and real estate investment trusts (REITs).

Capital Loss Carryover: A taxpayer cannot take net losses of more than \$3,000 (\$1,500 for married taxpayers filing separately) in figuring taxable income for any single tax year. The allowable loss is referred to as the deduction limit. Unused losses can be carried over to later years until they are completely used up. The carryover losses are combined with the gains and losses that actually occur in the next year.

Dividends: A corporation's distributions to its shareholders from its earnings and profits.

DRIP Accounts: DRIP accounts leave cash dividends with the company for the purchase of additional shares. Even though these shares are from the same company, they retain their own individual basis separate from the original purchase. Each new purchased share could have a different basis.

Excludable Income: Income that is not included in the taxpayer's gross income and therefore exempt from federal income tax.

First-time Homebuyer Credit: The first-time homebuyer credit is a maximum credit of \$8,000 (\$4,000 for Married Filing Separately). This is a refundable credit which means that even if the taxpayer does not owe any tax, the money will be refunded to the taxpayer. There are recapture provisions if the home was sold or rented within a 36-month period.

Five-year Test Period Suspension: Taxpayers can choose to have the five-year test period for ownership and use suspended during any period the homeowner (either spouse if married) served on qualified official extended duty as a member of the uniformed services or Foreign Service of the United States, as an employee of the intelligence community, or as an employee or volunteer of the Peace Corps. This means that the taxpayer may be able to meet the two-year use test even if the taxpayer and/or spouse did not actually live in the home during the normal five-year period required of other taxpayers.

Holding Period: Form 8949 requires entries for the stock purchase and sale dates. By entering both dates, the software automatically determines the holding period; either short-term or long-term.

Main Home: A taxpayer's "main" home is where they live most of the time. It does not have to be a traditional house; for example, it may be a houseboat, mobile home, cooperative apartment, or condominium, but it must have cooking, sleeping, and bathroom facilities.

Mutual Fund: A mutual fund is a regulated investment company generally created by "pooling" funds of investors providing the advantage of a diversity of investments and professional management.

Qualified Principal Residence Indebtedness: Any debt incurred in acquiring, constructing, or substantially improving a principal residence and which is secured by the principal residence. Qualified principal residence indebtedness also includes any debt secured by the principal residence resulting from the refinancing of debt incurred to acquire, construct, or substantially improve a principal residence but only to the extent the amount of the debt does not exceed the amount of the refinanced debt.

Sale of Main Home: Only a gain from the sale of a taxpayer's main home may be excluded from the taxpayer's income; a gain from a sale of a home that is not the taxpayer's main home will generally have to be reported as income.

Selling Price: The total amount the taxpayer (seller) received for his or her main home. It includes money, all notes, mortgages, or other debts taken over by the buyer as part of the sale, and the fair market value of any other property or services that the seller received.

Stock Dividends: Stock dividends merely increase the taxpayer's number of shares in the company and generally are not taxable.

Stock Split: A stock split is a method used by corporations to lower the market price of stock. A two-for-one stock split will decrease the basis per share by half. The original basis of \$200 for 100 shares becomes \$200 for 200 shares.

Wash Sale: A wash sale occurs when a taxpayer sells or otherwise disposes of stock or securities (including a contract or option to acquire or sell stock or securities) at a loss and, within 30 days before or after the sale or disposition, the taxpayer buys, acquires, or enters into a contract or option to acquire substantially identical stock or securities.

Teacher Tips

Guidelines for Lesson

Guideline	Instructor Notes	Presentation Aids
Lesson	Review the online demo of TaxWise on	TaxWise [®] Demo:
background info	reporting capital gains and losses	From the Practice Lab, select :
		 2011 TaxWise IRS training
		 TaxWise Desktop Preparer with VITA/TCE Training menu or the TaxWise Online Preparer with VITA/TCE Training menu
		 Click the Income button, then select Part 2.
Provide details	Discuss all tips and cautions in detail.	Internet:
and engage the students	Ask students to read and/or role-play examples and sample interviews.	Link & Learn Taxes (L<) Income – Capital Gain or Loss; Form 1040, Line 13

Topic-specific Tips

Topic Name	Instructor Notes	Presentation Aids
Introduction	Review lesson objectives.	Visuals:
	Review list of references.	Form 8949, pages 1 and 2
	State the presentation time.	Schedule D
	Review the Key Terms in the lesson.	Forms <u>1099-B</u> , <u>1099-DIV</u> , <u>1099-S</u>
	Point out that the specialty course, Cancellation of Debt, will cover foreclosures and cancellation of debt on principal residence.	Form 1040, page 1 Income section

Point out that for 2011, Form 1099-B, Schedule D, and a new Form 8949 are used to report capital gains or losses. Form 13614-C, Section A, Part III

Pub 4012 (Tab 2), How to Report Capital Gain or Loss from Sales and other Dispositions

Internet:

Tax Topics: Capital Gains and Losses

Reporting capital gain or loss

Prompt students to share what they know about reporting capital gains and losses using questions from the topic.

Direct students to Pub 4012 (Tab 2), How to Report Capital Gain or Loss from Sales and other Dispositions.

Review flowchart in Pub 4012 (Tab 2).

Ask:

- What is cost basis?
- What is the holding period? (When did you buy it and when did you sell it?)
- What is sales price?

Visuals:

Form 8949, page 1 (short-term transactions), page 2 (long-term transactions)

Schedule D

Form 1099-B

Pub 4012 (Tab 2), How to Report Capital Gain or Loss from Sales and other Dispositions

Pub 4012 (Tab 2) <u>Capital Gain</u> or <u>Loss Transactions</u> Worksheet

Internet:

<u>L< Capital Gain or Loss</u>, Reporting Capital Gain or Loss

IRS Newsroom, Reporting Capital Gains

Basis of Stock

Review L< topic Basis of Stock.

Ask students to define basis and adjusted basis.

Emphasize that Form 1099-B may not include how much taxpayers paid for the stock; if the Form 1099-B does not provide the basis taxpayers must provide this information.

Visual:

Form 1099-B

Pub 17, Basis of Property chapter

Internet:

<u>L< Capital Gain or Loss</u>, Basis of Stock **Remind** volunteers they may provide assistance if taxpayers know the basis and holding period of property that was inherited or received as a gift. Otherwise, refer them to a professional tax preparer.

Caution students that if a taxpayer acquired property from a decedent who died in 2010, special rules may apply.

Holding period

Review L< topic Holding Period.

Ask: What are the short-term and long-term time periods? **Answer:** 1 year or less is short-term and more than 1 year is long-term.

Ask: Why is it important to determine long vs short-term? **Answer:** Short-term gains are taxed at regular income tax rates; long-term are taxed at a lower rate.

Ask: When does the holding period begin? **Answer:** The day after the shares were purchased.

Review determination of gain or loss on the disposition of mutual fund shares.

Review with students holding periods for sales of stock in "blocks." Blocks of Stock is covered in the section of the lesson Holding Period, Long-term or Short-term.

Visuals:

Forms <u>1099-B</u>, <u>1099-DIV</u>, <u>1099-S</u>

Schedule D

Pub 17, Sale of Property chapter

Pub 550

Internet:

<u>L< Capital Gain or Loss</u>, Holding Period

Proceeds from the sale

Review L< topic 1099-B Proceeds from the Sale.

Remind students that for tax year 2011, brokers must report on Form 1099-B:

- Cost or other basis, unless the securities sold were noncovered securities
- Whether the gain or loss is short-term or long-term, unless the securities sold were noncovered securities.

Review Form 1099-B for new boxes:

- · Box 1b: Date of acquisition
- · Box 3: Cost or other basis
- · Box 5: Wash sale loss disallowed
- · Box 6: Check if a noncovered security
- Box 8: Type of gain or loss

Direct students to Pub 4012 (Tab 2) Schedule D – Capital Gain or Loss Transactions Worksheet.

Remind that TaxWise Capital Gain or Loss Worksheet will determine short or long term gain, calculate gain or loss, calculate tax liability, and capital loss carryovers.

Remind students to review the taxpayer's Form 1099-B to determine if the sales price is net of commissions and fees. If the net is not shown, then commissions and fees are added to the basis in the stock before entering the amount on the Capital Gain or Loss Transactions Worksheet.

Verify students understand sample consolidated statement in L<, slide 30.

Visuals:

Form 1099-B

Pub 4012 (Tab 2) <u>Schedule D</u> <u>Changes</u>

Pub 4012 (Tab 2) Schedule D

- Capital Gain or Loss

Transactions Worksheet

Internet:

L< Capital Gain or Loss, Proceeds from the Sale, Sample 1099 Consolidated Statement

FAQs, Mutual Funds (Costs, Distributions, etc.)

FAQs: Stocks (Options, Splits, Traders)

TaxWise Demo:

Main Information Screen, link to Schedule D

Link to Capital Gains and Loss Transactions worksheet

Form 8949 and Schedule D

Review L< topic Form 8949 and Schedule D.

Remind students that for tax year 2011 Form 8949 replaces Schedule D-1 for reporting information from Form 1099-B. Schedule D was revised to allow for entries from the new

Visuals:

Form 8949, pages 1 and 2

Schedule D

Form 1099-DIV

Form 8949 and changes made to Form 1099-B.

Point out that all capital gains and losses are detailed on Form 8949; none are reported directly on Schedule D.

Review Pub 4012 (Tab 2), How to Complete Form 8949, Columns (b) and (g).

Review the steps to enter gains or losses in the Capital Gain or Loss Transactions Worksheet, which are then transferred to Form 8949 and Schedule D.

Explain the three transaction codes, A, B, & C, applicable to column "1099" of the Capital Gains or Loss Transactions Worksheet, and how these same codes will also be used when completing Form 8949 as shown in the flowchart in Pub 4012 (Tab 2).

Remind students that the subtotals from each Form 8949 are carried over to Schedule D where gain or loss is calculated in aggregate.

Review Pub 4012 (Tab 2), Schedule D pages 1 and 2.

Point out that if a taxpayer has both Form 1099-DIV and Form 1099-B, then capital gain distributions are added to Schedule D, Part II, line 13.

Remind students that if the source documents (Forms 1099-DIV and 1099-B) are recorded properly in TaxWise, amounts will be reported in the proper places.

Explain what data to enter and how to select the correct transaction code (A, B, or C) to enter in "1099" column of the Capital Gains or Loss Transactions Worksheet for each transaction.

Schedule D Instructions, Completing Form 8949 and codes for column b

Pub 4012 (Tab 2) How to Complete Form 8949, Columns (f) and (g)

Pub 4012 (Tab 2) Flowchart on How to Report Capital Gains/Losses from Sales and Other Dispositions

Pub 4012 (Tab 2), <u>Schedule D</u> Page 1 and Page 2

Internet:

L< Capital Gain or Loss, Schedule D, Parts I and II

TaxWise Demo:

From Form 1040 line 13, link to Schedule D (F9)

- Fields on Schedule D link to Capital Gain/Loss Transaction Worksheet
- TaxWise calculates gain/loss and determines whether short- or long-term
- Use Scratch Pad to enter tax withholding

Capital loss Review L< topic Capital Loss Carryovers. Visuals: carryovers Ask: When calculating a carryover of capital Capital Gain or Loss loss, what is the most a taxpayer can take as a Transactions Worksheet net loss for a single tax year? Answer: \$3,000 (\$1,500 for married taxpayers filing Schedule D Instructions. separately). Capital Loss and Carryover Worksheet **Review** the capital loss carryover worksheet from Schedule D instructions. Gains and Losses Optional review: "Ten Important Facts" article from IRS.gov. Internet: L< Capital Gain or Loss, Capital Loss Carryovers Ten Important Facts About Capital Gains and Losses TaxWise Demo: Show capital loss carryover using TaxWise **Practice Select** a practice exercise for reporting capital Publication 4491-W Advanced gain or loss on line 13. **Practice Exercises Ask** students to select the problem based on their certification course of study. and International Verify students have correctly completed the **Practice Exercises** exercise. Sale of main Visuals: **Review** L< topic Sale of Main Home. home **Remind** students to ask taxpayers if they sold III, line 8

any real estate, such as their principal residence or "main home" during the tax year.

Ask: What is a main home? What must be true in order for a taxpayer to exclude gain from the sale of a home?

Emphasize that volunteers need to confirm the home is the taxpayer's main home and meets the ownership and use tests.

Pub 4012 (Tab 2) Schedule D

Pub 17, Chapter 16, Reporting

Comprehensive Problem and

Publication 4491-W Military Comprehensive Problem and

Form 13614-C, Section A, Part

Internet:

L< Capital Gain or Loss, Sale of Main Home

FAQs, Capital Gains, Losses/Sale of Home **Ask:** What is the maximum amount a taxpayer may exclude for the sale of their main home? **Answer:** \$250,000 (\$500,000 for Married Filing Jointly).

Caution students that special rules apply to foreclosures and cancellation of debt related to a taxpayer's principal residence. A foreclosure is treated as a sale of the home. This topic is covered in Cancellation of Debt, a specialty course on Link & Learn Taxes.

Ownership and use tests

Review L< topic Ownership and Use Tests.

Ask: How long must the taxpayer own and live in the home to meet the ownership and use tests? **Answer:** Own and live in the home for at least two years.

Remind students that the ownership and use tests are applied differently for married homeowners.

Visuals:

Form 8949, Part II

Internet:

<u>L< Capital Gain or Loss</u>, Ownership and Use Tests

Tax Tips: Ownership & Use Tests

Gain on sale of	Review L< topic Gain on Sale of Home.	Visuals:
home	·	Form 1099-S
	Remind students that figuring the gain or loss on the sale of a home is based on:	Form 8949
	Selling price	Schedule D
	Amount realized	Pub 523, Worksheet 1,
	Basis	Adjusted Basis of Home Sold -
	Adjusted basis	Illustrated Example 1 for Peter and Betty Clark
	Display worksheet from Pub 523 Taxable Gain on Sale of Home.	Pub 523, Worksheet 2, Taxable Gain on Sale of Home - Illustrated Example 1 for
	Caution that nonqualified use and what effect this has on whether the gain from the sale or	Peter and Betty Clark
	exchange of the home is excludable from income is out of scope.	Internet:
	Caution students that a loss on the sale of a	L< Capital Gain or Loss, Gain on Sale of Home
	personal residence is not deductible.	Sale of Residence - Real
	Caution students to refer taxpayers who are selling property that was inherited in 2010 to a	Estate Tax Tips
	professional tax preparer.	Capital Gains, Losses/Sale of Home
Reporting gain	Review L< topic Reporting Gain from Sale	Visuals:
from the sale of home	of Home.	Form 1099-S
nome	Ask: Under what circumstances may a taxpayer receive Form 1099-S?	Form 8949
	Demonstrate how to report a gain and a loss; refer to L<.	Schedule D
		Internet:
	Optional activity: Ask students to role-play the sample interview in this topic instead of playing audio.	L< Capital Gain or Loss, Reporting Gain from Sale of Home
5-Year test	Review L< topic 5-Year Test Period	Visuals:
period suspension	Suspension.	Pub 523
		Internet:
		<u>L< Capital Gain or Loss</u> , 5-Year test period suspension

Practice	Select a practice exercise for reporting gain from sale of a home.	Publication 4491-W Advanced Comprehensive Problem and Practice Exercises
	Ask students to select the problem based on their certification course of study.	Publication 4491-W Military and International
	Verify students have correctly completed the form worksheets.	Comprehensive Problem and Practice Exercises
Summary	Review the lesson summary with the class.	Visuals:
Summary	Review the lesson summary with the class.	Visuals: L< Capital Gain or Loss, Summary

	References
L<	Income – Capital Gain or Loss; Form 1040, Line 13
Form 1040	Form 1040, Line 13
Form 1040 Instructions	Form 1040 Instructions
Form 13614-C	Form 13614-C, Intake/Interview & Quality Review Sheet, Section A, Part III
Form 8949	Form 8949, Sales and Other Dispositions of Capital Assets
Schedule D (Form 1040)	Schedule D, Capital Gains and Losses
Schedule D Instructions	Schedule D Instructions
Form 1099-B	Form 1099-B, Proceeds From Broker and Barter Exchange Transactions
Form 1099-B Instructions	Form 1099-B Instructions
Form 1099-DIV	Form 1099-DIV, Dividends and Distributions; box 2a shows capital gains
Form 1099-S	Form 1099-S, Proceeds from Real Estate Transations
Capital Loss Carryover Worksheet	From Schedule D Instructions
Pub 17	Pub 17, Part Two, chapters on Basis of Property and Sale of Property
Pub 523	Pub 523, Selling Your Home
Pub 4012	Pub 4012, Volunteer Resource Guide
	Tab 2, How to Report Capital Gain or Loss from Sales and Other Dispositions
	Tab 2, Capital Gain or Loss Transactions Worksheet

	Tab 2, Schedule D Page 1 and Page 2
	Tab 2, How to Complete Form 8949, Columns (f) and (g)
Pub 4491-W	Pub 4491-W – Select a practice exercise based on your course of study.
	Optional
Pub 544	Pub 544, Sales and other Dispositions of Assets
Pub 550	Pub 550, Investment Income and Expenses

Recommended Classroom Activities



Pub 551









Pub 551, Basis of Assets



Assessments

Media: Videos

TaxWise Tutorial



Tax Facts: Link & Learn Taxes Income – Capital Gain or Loss; Form 1040, Line 13

Click Tax Facts as a new way to access Link & Learn Taxes Lesson Capital Gain or Loss.



Assessments – Summary and Exercises

Click Assessments as a new way to access the Summary and Exercises in Link & Learn Taxes Capital Gain or Loss.



Media: Video & Audio for Lesson

There is no media associated with this lesson.



TaxWise Tips and Resources for Lesson

TaxWise screens	How/Where to Enter Income
	Schedule D – Capital Gains and Losses, Changes
	Capital Gain or Loss Transactions Worksheet
	Schedule D, pages 1 and 2
	How to Complete Form 8949 Columns (b) and (g)
Practice Lab Tutorial	From the Practice Lab, select:
	1. 2011 TaxWise IRS training

$Lesson\ 10-Income-Capital\ Gain\ or\ Loss;\ Form\ 1040,\ Line\ 13$

	TaxWise Desktop Preparer with VITA/TCE Training menu or the TaxWise Online Preparer with VITA/TCE Training menu
	3. Click the Income button, then select Part 2
Taxwise TV	http://www.taxwisetv.com/presentation.asp



ITA and FAQs for Lesson

TIA and PAGS for Les	55011
FAQs	Capital Gains, Losses/Sale of Home http://www.irs.gov/Help-&-Resources/Tools-&-FAQs/FAQs-for-Individuals/Frequently-Asked-Tax-Questions-&-Answers/Capital-Gains,-Losses,-Sale-of-Home
	Mutual Funds (Costs, Distributions, etc.) http://www.irs.gov/Help-&-Resources/Tools-&-FAQs/FAQs-for-Individuals/Frequently-Asked-Tax-Questions-&-Answers/Capital-Gains,-Losses,-Sale-of-Home/Mutual-Funds-(Costs,-Distributions,-etc.)
	Stocks (Options, Splits, Traders)
	http://www.irs.gov/Help-&-Resources/Tools-&-FAQs/FAQs-for-Individuals/Frequently-Asked-Tax-Questions-&-Answers/Capital-Gains,-Losses,-Sale-of-Home/Stocks-(Options,-Splits,-Traders)
Tax Trail	Capital Gains and Losses
	http://www.irs.gov/taxtopics/tc409.html
	Ten Important Facts About Capital Gains and Losses
	http://www.irs.gov/uac/Ten-Important-Facts-About-Capital-Gains-and-Losses
	Sale of Residence – Real Estate Tax Tips
	http://www.irs.gov/Businesses/Small-Businesses-&-Self-Employed/Sale-of-ResidenceReal-Estate-Tax-Tips
References	References for L< Income – Capital Gain or Loss http://apps.irs.gov/app/vita/content/10/references.jsp



Practice Lab

Practice Lab	http://www.voltaxprep.com/